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Attorney Docket No.: FA/141A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Norvell et al.

) Group Art Unit: 1771

Serial No.: 09/015,616

) Examiner: C. Juska

Filed January 29, 1998

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Commissioner for Patents

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Suzanne M. Hearn

August 2, 2004
(date of faxing document)

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the final Office Action mailed on April 8, 2004, applicants present the following remarks.

REMARKS

Claims 1-26, 35, 37-43, 49 and 51 are pending and stand rejected under 35 U.S.C. §103(a). Applicants respectfully traverse this rejection.

Claims 1-20, 22-26, 35, 37-40, 49 and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Henn et al. in view Lumb. The Examiner asserts that Henn teaches the presently claimed invention with the exception that the flock layer is applied by an electrostatic process and the claimed where test cycles to leakage values. The Examiner asserts that flocking of an article by an electrostatic process is well known and common in the art of textile. As an example, the Examiner relies upon Lumb as teaching a drapable, water vapor permeable, wind and water resistance composite fabric. The composite comprising a fabric substrate, a layer of foamed breathable acrylic polyurethane adhesive, and a layer of flocked fibers. Lumb does teach that one process for applying flock is an electrostatic process. Finally, applicants agree with the Examiner's assertion that Lumb teaches the flocked composite fabric is suitable for an outerwear garment due to its drapability, water and wind resistance, breathability, and insulating properties. The Examiner concludes that it would, therefore, have been obvious to one of ordinary skill in the art to apply a flocked layer to the coated ePTFE substrate of Henn by an electrostatic method. Moreover, with respect to the claimed wear test cycles to leakage values, the Examiner asserts that this property would be met by the combination of references. Support for this assertion being found in the fact that like materials cannot have mutually exclusive properties. (In re Spada, 15 USPQ2d 1655). Applicants respectfully traverse this rejection.